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Attorney for Defendant
 BERNADETTE ESCUE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00610 JF
)	
Plaintiff,)	EX PARTE APPLICATION FOR ORDER
)	PERMITTING TRAVEL UPON
v.)	NOTIFICATION TO AND APPROVAL OF
BERNADETTE ESCUE,)	PRETRIAL SERVICES, SUBMITTED WITH
)	THE APPROVAL OF THE AUSA AND
Defendant.)	PRETRIAL SERVICES; DECLARATION OF
)	COUNSEL
)	

Defendant Bernadette Escue, through counsel, applies for permission to travel to and from Dallas, Texas (traveling to Dallas by car) from approximately November 20 – 30, 2007, and to permit further similar travel to and from Dallas, Texas into the future, as necessary, subject to her (1) notifying Pretrial Services in advance of travel, (2) providing Pretrial Services with an itinerary of her planned travel and contact information during the dates of travel, and (3) providing Pretrial Services with any documentation necessary to verify such travel.

This application is submitted after consultation with the supervising Pretrial Services Officer and the AUSA handling this matter, both of whom have informed counsel that they have no objection to this proposal.

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1 This Application is based on the attached *Declaration Of Counsel*. A proposed order
2 accompanies this application.

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4 Dated: November 9, 2007

Respectfully submitted,

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6 /S/
7 Mark R. Vermeulen
8 Attorney for Defendant
9 BERNADETTE ESCUE
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DECLARATION OF COUNSEL

I, Mark R. Vermeulen, declare:

1. I am an attorney duly admitted to practice before this Court and I represent Defendant Bernadette Escue in this action.

2. I request that Ms. Escue be permitted to travel to and from Dallas, Texas (traveling to Dallas by car) from approximately November 20 – 30, 2007, and that she be permitted to travel similarly to and from Dallas, Texas into the future, as necessary, subject to her (1) notifying Pretrial Services in advance of travel, (2) providing Pretrial Services with an itinerary of her planned travel and contact information during the dates of travel, and (3) providing Pretrial Services with any documentation necessary to verify such travel.

3. As noted at the initial hearing at which conditions of release were set, Ms. Escue's life partner currently lives and works in Dallas, Texas. As such, the Court established among the *Conditions of Release* (Doc. 3) that Ms. Escue could travel in the Northern District of California and in the Northern District of Texas (in which Dallas is located). Ms. Escue is in the process of moving a number of her and her partner's belongings to Dallas. To do so, Ms. Escue will be driving from the San Francisco to Dallas in late November, departing on November 20 and driving through several of the western states. While she plans to return to San Francisco in late November, she currently does not know exactly what date she will return, nor whether she will return to San Francisco via car or airplane. Additionally, into the future, Ms. Escue may need to travel similarly to and from Dallas, with exact dates and modes of travel subject to some change.

4. I have spoken with Pretrial Services Officer Tim Elder, the officer assigned to this case, and with Joe Fazioli, the AUSA handling this case, and we've discussed this situation. Following those discussions, I provided each of them with a copy of this *Application* and the accompanying [*Proposed*] *Order Permitting Travel*. They each have informed me that they have no objection to this request.

5. I will fax a copy of this *Application* and the accompanying [*Proposed*] *Order* to Pretrial Services Officer Tim Elder on the same date I file this via ECF, and a copy of each will be provided to AUSA Joe Fazioli automatically via ECF filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 9, 2007 at San Francisco, CA.

/S/

Mark R. Vermeulen